

# HOUSE BILL REPORT

## ESB 5048

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**As Reported by House Committee On:**  
Health Care

**Title:** An act relating to protecting the health of minors by prohibiting tobacco product sampling.

**Brief Description:** Prohibiting tobacco product sampling.

**Sponsors:** Senators Oke, Brown, Keiser, Swecker, Kline, Morton, Rockefeller, Deccio, Thibaudeau, Finkbeiner, McAuliffe, Sheldon, Rasmussen, Spanel, Berkey, Eide, Doumit, Regala, Kohl-Welles, Jacobsen, Franklin, Haugen, Fraser, Kastama and Weinstein.

**Brief History:**

**Committee Activity:**

Health Care: 2/21/06 [DP].

### Brief Summary of Engrossed Bill

- Prohibits the distribution of tobacco product samples.

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## HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass. Signed by 15 members: Representatives Cody, Chair; Campbell, Vice Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander, Appleton, Bailey, Clibborn, Condotta, Green, Lantz, Moeller, Schual-Berke and Skinner.

**Staff:** Chris Blake (786-7392).

### Background:

"Samplers" distribute tobacco products to the general public for promotional purposes at no cost or nominal cost. The term does not include retailers. The Washington State Liquor Control Board (Board) licenses samplers and requires annual license renewal.

State law prohibits sampling in public places except in places where: (1) individuals under the age of 18 are denied admission; (2) the sampling occurs in a store or concession that has a retailer's license; or (3) the sampling occurs at or next to a production, repair, or outdoor construction site or facility. These exceptions do not apply to the distribution of tobacco product samples within 500 feet of a playground, school, or other facility being used primarily by individuals under 18 years of age.

**Summary of Bill:**

The distribution of tobacco product samples is prohibited and a violation is declared a misdemeanor. The authority of the Board to operate a sampling licensing program is eliminated. The definition of "tobacco product" is revised to specify that it includes cigarettes, cigars, snuff, and other smoking tobacco and chewing tobacco products regulated by the Department of Revenue.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Eighty to 85 percent of smokers began when they were younger than 17 years old. This bill supports statewide tobacco prevention and control efforts to restrict youth access to low-cost tobacco. Smoking is an incredibly addictive behavior. This will make Washington healthier.

**Testimony Against:** None.

**Persons Testifying:** Senator Oke, prime sponsor; Senator Pridemore; Mary Selecky, Department of Health; and Vicki Kirkpatrick, Washington State Association of Local Public Health Officials.

**Persons Signed In To Testify But Not Testifying:** None.